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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/462,562	01/10/2000	ZIGMANTAS L BUDRIKIS	10671-0001-2	5225

7590 08/28/2003

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EXAMINER

SCHULTZ, WILLIAM C

ART UNIT	PAPER NUMBER
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2664

DATE MAILED: 08/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/462,562

Applicant(s)

BUDRIKIS ET AL.

Examiner

William C. Schultz

Art Unit

2664

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 January 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6, 7, 10-13, 17, 18, 23 is/are rejected.
- 7) ☒ Claim(s) 5, 8, 9, 14-16, 19-22 and 24-26 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 4 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 4, the phrase "most foreseeable" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "most foreseeable"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3,6,7,10-13,18,23 are rejected under 35 U.S.C. 102(e) as being anticipated by Robinett et al. [U.S. Pat. 6,351,474].

Regarding claims 1,6,11,17,23, Robinett et al. discloses a method of transmitting real time signals as digital data packets over a communications network, the method comprising:

providing first and second time stamps in each packet of a real time signal required to be transmitted, **(col. 6, lines 7-26)**

said first time stamp indicating the elapsed time of the real time information represented by the data carried in the packet and **(col. 3, lines 34-43; col. 17, lines 53-57)**

said second time stamp indicating a time at which assembly of the packet at a source had occurred, and **(col. 3, lines 29-31; col. 17, lines 13-15)**

wherein said time stamps are derived from a universal time measure available to the source, a destination and routing points in the network whereby, in use, timely transfer en route and time-faithful reconstruction of the real time signal at the destination is possible.**(col. 11, lines 49-64; col. 14, lines 19-23; col. 48, lines 29-37; col. 48, lines 60-68)**

Regarding claim 2, Robinett et al. further discloses said first and second time stamps are provided in the form of binary integers in a header extension containing fields for said first and second time stamps. **(col. 3, lines 34-43 – since it is a digital transmission, the transmission is inherently using binary numbers)**

Regarding claim 3, Robinett et al. further discloses said header extension further includes a field indicating that the packet is on a real time connection and a field

indicating whether a packet is at the start of a real time episode or a continuation of a real time episode. **(col. 17, lines 45-46)**

Regarding claim 7, Robinett et al. further discloses said means for inserting first and second time stamps includes a header extension generating means for generating a header extension for each packet of said real time signal, said header extension containing fields for said first and second time stamps. **(fig. 2, part 114)**

Regarding claim 10, Robinett et al. further discloses said header extension generator means also generates additional fields for indicating that the packet is on a real time connection and whether the packet is at the start of a real time episode or a continuation of a real time episode in said header extension. **(fig. 2, part 114; col. 17, lines 45-46)**

Regarding claims 12,18, Robinett et al. further discloses means for imposing an enforced wait in the timing of dispatch of a first packet by a predetermined time interval selected to be short enough to introduce an acceptable contribution by a routing apparatus to the total delay of the real time signal and long enough to provide sufficient time margins for the timely dispatch of subsequent packets. **(col. 7, lines 26-36, lines 42-47)**

Regarding claim 13, Robinett et al. further discloses means for confirming that a packet is the next successive packet in sequence of the real time signal by comparing its first time stamp with a combination of the first and second time stamps of the previous packet. **(col. 7, lines 47-49)**

Allowable Subject Matter

Claims 5,8,9,14-17,19-22,24-26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William C. Schultz whose telephone number is 703-305-2367. The examiner can normally be reached on M-F(7-4)(first bi-week) M-Th(7-4)(second bi-week).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on 703-305-4366. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-305-9000 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

William Schultz
June 25, 2003



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